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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

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)	
National Fair Housing Alliance, Inc., et al.,)	Case No. C07-3255 - SBA
)	
Plaintiffs,)	[PROPOSED] ORDER DENYING
)	DEFENDANTS A.G. SPANOS
v.)	CONSTRUCTION, INC.; A.G. SPANOS
)	DEVELOPMENT, INC.; A.G. SPANOS
A.G. Spanos Construction, Inc.; et al.,)	LAND COMPANY, INC.; A.G. SPANOS
)	MANAGEMENT, INC. AND THE
Defendants.)	SPANOS CORPORATION'S
)	MOTION FOR RECONSIDERATION
)	

The motion of Defendants A.G. Spanos Construction, Inc., A.G. Spanos Development, Inc., A.G. Spanos Land Company Inc, A.G. Spanos Management, Inc. and the Spanos Corporation (hereinafter, collectively, “the Spanos Defendants”), for reconsideration of this Court's Order of April 4, 2008 denying the Spanos Defendants’ motion to dismiss came on for hearing on September 23, 2008 at 1:00 p.m., in Courtroom 3 of the U.S. District Court for the Northern District of California, located at 1301 Clay Street, 3d Floor, Oakland, California, the Hon. Sandra Brown Armstrong presiding. Lee Roy Pierce, Jr. and Thomas Keeling appeared on behalf of the Spanos Defendants and Michael Allen appeared on behalf of Plaintiffs.

1 Pursuant to Northern District Local Rule 7-9(c) and good cause appearing therefore,

2 IT IS HEREBY ORDERED that

3 The Spanos Defendants' Motion for reconsideration of this Court's Order issued on April 4, 2008
4 denying the Spanos Defendants' entire motion to dismiss is DENIED.

5 Having reconsidered the Court's April 4, 2008 Order in light of the Ninth Circuit's *en banc*
6 decision in *Garcia v. Brockway*, 526 F.3d 456 (9th Cir. 2008), this Court concludes that the Ninth Circuit
7 has affirmed the validity of the continuing violation doctrine enunciated by the Supreme Court in *Havens*
8 *Realty Corp. v. Coleman*, 455 U.S. 363, 380-81, 102 S. Ct. 1114, 71 L.Ed.2d 214 (1982), which was
9 subsequently codified in the amendment of 42 U.S.C. § 3613(a)(1)(A) to include both the occurrence and
10 the termination of an alleged discriminatory practice as events triggering the statute of limitations.
11 *Garcia*, 526 F.3d at 462.

12 In the context of the Fair Housing Act, the continuing violations doctrine provides that a plaintiff
13 challenging not just one incident of conduct violative of the Act, but an unlawful practice that continues
14 into the limitations period, timely files its complaint when it is within two years from the last asserted
15 occurrence of that practice. *Id.* at 461-62. Plaintiffs' First Amended Complaint alleges violations of the
16 Act in the design and construction of dwellings in approximately 82 apartment complexes including as
17 many as 19 that were constructed within two years of the filing of this litigation. *See* First Amended
18 Complaint, pp. 16-18.

19 The Court specifically rejects the Spanos Defendants' contention that *Garcia* did away with the
20 continuing violations doctrine in all design and construction cases under the Act, and specifically
21 reaffirms its holding that *Havens* provides the applicable law in this case.

1 Therefore, in all respects, this Court's Order of April 4, 2008 remains unchanged.

2 IT IS SO ORDERED.

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4 Dated: _____, 2008

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6 _____
7 Sandra Brown Armstrong
8 United States District Judge
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